

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claims 1-3, 5, 6, 8-12 and 16-26 are rejected under 35 USC 103(a) as being unpatentable over Wen et al., U.S. 7,333,431 B2 ("Wen") and Weber, U.S. 6,424,993 B1 ("Weber").

Examiner Interview

A telephonic interview was conducted between the Examiner and Applicants' representative (the undersigned) on 10/05/2010. The independent claims were discussed. In particular, the packet of claim 1 having a delivery time, which is further modified, was discussed at length. No particular agreement was reached.

Discussion of Rejections

Response to 103 Rejection

The Office rejected Claims 1-3, 5, 6, 8-12 and 16-26 under 35 USC 103(a) as being unpatentable over Wen et al., U.S. 7,333,431 B2 ("Wen") and Weber, U.S. 6,424,993 B1 ("Weber"). Applicants do not admit that these references are prior art, and reserve the right to challenge them at a later date. Although Applicants' arguments here are directed to the cited combination of references, it is necessary to consider their individual disclosures, in order to ascertain what combination, if any, could be made from them.

The present invention generally pertains to splitting streams of media data to reduce traffic bursts. Traffic bursts are reduced by, among other methods, utilizing a streaming media cache to receive, from an upstream server, a stream of media data

containing a specialized packet. The specialized media packet includes a delivery time that is pseudo-randomly selected and modified based on client requests.

Independent claims 1, 9, 16 and 22

Applicants respectfully submit that the rejections should be withdrawn at least because the references do not teach or suggest, either individually or in combination, all elements of independent claim 1. Therefore, the claim invalidity can not be obvious based on these references.

Claim 1 states, in relevant part, "receiving ... the first streaming media data packet" wherein "the ... packet includ[es] a delivery time." Claim 1 further states that the delivery time of the packet is "modif[ied] with [a] first modified delivery time in the streaming media cache to form a first modified first streaming media data packet." Similarly, "a second modified first streaming media data packet" is created by "modifying the first streaming media data packet with [a] second modified delivery time." Wen and Weber do not disclose or suggest such a method individually or in combination, particularly the recited first streaming media data packet having a delivery time in the packet, creating a first modified first streaming media data packet having a first modified delivery time in the packet, or creating a second modified first streaming media data packet having a second delivery time in the packet.

The Office relies on Wen for disclosing a method for reducing peak output traffic bursts in a processing system. Wen generally addresses overcoming congestion conditions in a communication network by modifying a TCP window of a traffic stream and modulating the inter-packet bandwidth of packets of the traffic stream. See Abstract. Wen teaches modifying an initial congestion window of a standardized TCP/IP stream of packets (i.e. the packets of the stream do *not* include a specified packet delivery time). See column 8 lines 33-46. The Office cites to Wen at column 3, lines 7-28 as disclosing Applicants' media packet containing a delivery time, however, Applicants fail to find this teaching or even a suggestion of the use of a delivery time in

a media packet in Wen. Similarly, the Office cites to column 5, lines 1-14 as disclosing a modification of the delivery time of the packet by a first delay value. However, this citation merely describes reducing packet loss by modulating, via a differential equation, the bandwidths of the corresponding traffic streams. Wen does not teach a packet including a packet delivery time, a first modified first streaming media data packet, or a second modified first streaming media data packet, as recited by Applicants' claim 1. Nor does Weber. Therefore, for at least this reason, Applicants traverse this rejection.

The Office relies on Weber for disclosing a pseudo-randomly selected second delay value. Weber generally addresses a system for management of communications bandwidth utilization that introduces deliberate delays when responding to requests for server resources. *See* Abstract. The Office does not rely on Weber for, and nor does Weber disclose, the elements of claim 1 addressed in the above discussion of Wen.

Specifically, Weber does not teach a packet including a packet delivery time, a first modified first streaming media data packet, or a second modified first streaming media data packet, as recited by Applicants' claim 1. Weber teaches using standard HTTP protocol in client requests for resources at a server (i.e. the packets of the stream do *not* include a specified packet delivery time). *See* column 6, lines 25-33. The server receives the requests and, via an "execution suspension process 4500, suspends execution of the request handling process for a time interval equal to the delay value passed to the request handling process." *See* column 7, lines 1-4. Weber further describes the server utilizing "thread synchronization methods", "event dispatching, suspending, or scheduling facilities" to suspend execution. *See* column 7, lines 7-10.

Similarly to the arguments above regarding Wen, Weber does not teach or even suggest utilizing a media packet where a portion of the packet is dedicated for a delivery time, as recited in Applicants' claim 1. More specifically, Weber does not disclose or suggest a streaming media data packet having a delivery time in the packet, creating a first modified first streaming media data packet having a first modified delivery time in the packet, or creating the second modified first streaming media data packet having a second delivery time in the packet. Therefore, for at least these reasons, the Applicants

respectfully submit that Weber is clearly distinguishable from independent claim 1 and requests the Examiner to withdraw the §103 rejection to the above mentioned claims.

From the above discussion, it can be seen that no combination of Wen and Weber discloses all of the claim limitations of claim 1. Hence, the subject matter of claim 1 could not be obvious in view of any such combination. Independent claims 9, 16, and 22 contain limitations similar to those of independent claim 1, and therefore the rejection of claims 9, 16, and 22 should be similarly withdrawn.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any fee is due with this submission, the Commissioner is authorized to charge Deposit Account No. 50-2207.

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Respectfully submitted,

By: 
Erik C. Smith
Registration No.: 65,622

CUSTOMER NO. 77042
PERKINS COIE LLP
P.O. Box 1208
Seattle, Washington 98111-1208
Telephone: (650) 838-4300
Facsimile: (650) 838-4350
Attorney for Applicants